

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-6 and 8-16 are pending, Claims 1, 4 and 13-16 having been amended by way of the present amendment.

In the outstanding Office Action Claims 1-16 were rejected under 35 U.S.C. § 112, second paragraph; Claims 14-16 were rejected as being anticipated by Walker et al. (U.S. Patent No. 6,134,534); and Claims 1-6 and 8-13 were rejected as being unpatentable over Newswire article (2/3/00) in view of the www2.hertz.com reference.

In reply, each of the independent claims has been amended to address the rejection under 35 U.S.C. § 112, second paragraph. In particular, the language regarding whether a particular feature is “easy to change” or not, has been removed. This language has been replaced with a description of the information being predetermined as and describing “a first level of changing difficulty”, or “a second level of changing difficulty”. As further defined in the independent claims, the level of changing difficulty is an item searched for.

The outstanding Office Action describes a concern regarding whether the person seeking the rental input must actually input a particular criteria in order for the item to be searched on. However, by having different machines with different characteristics (such as being characterized as having a first level of changing difficulty, or a second level of changing difficulty), it is possible to arrange the data hierarchically so the search result may distinguish between candidate machines. For example, if the user selects as a query information regarding the construction machine of his choice, the rental, and rental place information, the system may present the user with several candidate options, where a feature of the different options is the respective levels of changing difficulty perhaps “machine A”, located at location X is identified as being “easy to change”, and “machine B”, located at

location X is identified as being "difficult to change." It is the network server that contains data for a particular machine that distinguishes between the first level of changing difficulty and the second level of changing difficulty, which can then be used to distinguish between different candidate machines.

A reason (although not the only reason) for distinguishing candidate construction machines based on level of changing difficulty is the possibility of charging different fees to the end user. If a particular machine requires a first level of changing difficulty that is characterized as being more difficult and expensive than the second level of changing difficulty, the system may charge the end user more for selecting that particular machine. In view of the above, it is respectfully submitted that the claims as amended comply with 35 U.S.C. § 112, second paragraph. However, if the Examiner disagrees, the Examiner is invited to telephone the undersigned so that mutually agreeable claim language may be identified.

It is also respectfully submitted that Claim 4 complies with 35 U.S.C. § 112, second paragraph, as it is clear that the server is the mechanism by which the search is performed for the rental construction machines based on wider area or narrower area information for presentation to the end user. Moreover, it is not necessarily a requirement for the end user to input each of these search criteria, but rather are features that distinguish one particular construction machine from another as presented to the user.

In contrast to Claims 14-16, Walker neither teaches nor suggests the features of renting different construction machine equipment for use at different work sites. An advantage recognized by the present inventors is that efficient rental of construction machines requires coordination and recognition of the difficulty in reconfiguring the construction equipment for use at a next job site. Walker is directed to cruise ship or airline reservations and has nothing to do with construction equipment, or the reconfiguration of construction

equipment. Accordingly, it is respectfully submitted that Claims 14-16, as amended, patentably define over Walker.

Claims 1-6 and 8-13 are rejected over the Newswire article in view of the www2.hertz.com reference. However, neither reference suggests the ability to search on, select and rent construction equipment configured in a particular way. Claim 1, for example, is directed to a computer-implemented method for renting a construction machine. The method includes a step of causing a network server to hold specification information that is organized in a hierarchal structure that includes information regarding at least a first level of changing difficulty and a second level of changing difficulty. The method also includes a step of providing the person with a search result by the network server, where the search result reflects whether the rentable construction equipment has as an attribute the first level of change in difficulty or the second level of change in difficulty. Thus, the invention defined by Claim 1 is not only directed to a general method for renting construction equipment, but rather a process that includes the storing of hierarchally organized information regarding a first level of changing difficulty and a second level of changing difficulty with regard to reconfiguration of the construction machine equipment.

The outstanding Office Action asserts that the news wire article discloses a computer-based rental system for construction machinery. However, the news wire article does not teach or suggest any type of hierarchal structure for organizing specification information for the construction machine equipment regarding a first level of changing difficulty or a second level of changeing difficulty for the construction machinery. Moreover, the news wire article has nothing to do with either storing or searching on particular attributes regarding specific construction machine equipment regarding the level of changing difficulty for that particular equipment.

The outstanding Office Action asserts Hertz as a secondary reference, for the on-line reservation of rental of vehicles. However, as it is clear and even recognized in the outstanding Office Action, Hertz has nothing to do with the rental of construction machine equipment or the storage and/or searching on attributes of the level of changing difficulty for particular construction machine equipment, as is presently claimed.

The outstanding Office Action explains that “Applicant should take notice that the recitation of the type of data that the network server is holding (specification information that is easy to change and not easy to change or a wider area or narrow area) is taken as non-functional descriptive information”. However, each of the independent claims have been amended to address this comment in the Office Action to positively recite the features of not only storing specification information in a hierarchal structure, but also in providing search results based on that stored data, where the search results includes an attribute of the first level of change in difficulty or the second level of change in difficulty.

It is respectfully submitted that no matter how the news wire reference is combined with Hertz, the combination neither teaches nor suggests all of the features of the invention defined by amended Claim 1, and therefore, does not render obvious the invention defined by Claim 1. Likewise, it is respectfully submitted that Claims 2-6 and 8-13, as amended, also patentably define over the asserted prior art, at least for the same reasons discussed above with regard to Claim 1.

In view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-6 and 8-16, as amended, is definite and patentably distinguishing over the prior art.

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The present application is therefore believed to be in condition for formal allowance
and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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